

MAUNE.RAICHLE.HARTLEY.FRENCH & MUDD, LLC

David L. Amell, Esq. (State Bar No. 227207)

Rabiah N. Oral, Esq. (State Bar No. 319905)

1900 Powell Street, Suite 200

Emeryville, California 94608

Telephone: (800) 358-5922

Facsimile: (314) 241-4838

damell@mrhfmlaw.com

roral@mrhfmlaw.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MICHAEL R. MARCUS and VICTORIA L.
MARCUS,

Plaintiffs,

vs.

AIR & LIQUID SYSTEMS CORPORATION,
et al.,

Defendants.

Case No.: 4:22-cv-09058-HSG

[Alameda County Superior Court Case No.:
22CV021840]

**PROVISIONAL STIPULATION OF
DISMISSAL WITH PREJUDICE:
PNEUMO ABEX LLC, Individually and
as Successor-By-Merger to PNEUMO
ABEX CORPORATION, Successor-In-
Interest to ABEX CORPORATION f/k/a
AMERICAN BRAKE SHOE
COMPANY, f/k/a AMERICAN BRAKE
SHOE AND FOUNDRY COMPANY
including the AMERICAN
BRAKEBLOK DIVISION, Successor-By-
Merger to the AMERICAN BRAKE
SHOE AND FOUNDRY COMPANY and
THE AMERICAN BRAKEBLOK
CORPORATION, f/k/a THE
AMERICAN BRAKE MATERIALS
CORPORATION; ORDER**

Courtroom: 02, 4th Floor

District Judge: Hon. Haywood S. Gilliam Jr.

Filed in State Court: November 15, 2022

Removed to NDCA: December 21, 2022

Trial Date: September 9, 2024.

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that, pursuant to Federal Rule of Civil Procedure Section
3 41(a)(1)(A)(i)(ii), Plaintiffs Michael R. Marcus and Victoria L. Marcus (“Plaintiffs”) and
4 PNEUMO ABEX LLC, Individually and as Successor-By-Merger to PNEUMO ABEX
5 CORPORATION, Successor-In-Interest to ABEX CORPORATION f/k/a AMERICAN
6 BRAKE SHOE COMPANY, f/k/a AMERICAN BRAKE SHOE AND FOUNDRY
7 COMPANY including the AMERICAN BRAKEBLOK DIVISION, Successor-By-Merger to
8 the AMERICAN BRAKE SHOE AND FOUNDRY COMPANY and THE AMERICAN
9 BRAKEBLOK CORPORATION, f/k/a THE AMERICAN BRAKE MATERIALS
10 CORPORATION (“Defendant”) hereby stipulate as follows:

11 1. On November 15, 2022, Plaintiffs filed their Complaint for Personal Injury and Loss
12 of Consortium – Asbestos in the Superior Court of the State of California, Couty of Alameda
13 Case No. 22CV021840.

14 2. On December 21, 2022, the above action was removed to the United States District
15 Court, Northern District of California, Case No. 4:22-09058.

16 3. On July 29, 2024, Plaintiffs and Defendant reached an agreement of all claims in this
17 action.

18 4. The terms of settlement are not yet perfected, but Plaintiffs and Defendant agree that
19 this matter should not be litigated due to the agreed-upon resolution.

20 Based on the foregoing facts, Plaintiffs and Defendant stipulate and agree to the
21 following:

22 This Court should conditionally dismiss this Action in its entirety against PNEUMO
23 ABEX LLC, Individually and as Successor-By-Merger to PNEUMO ABEX CORPORATION,
24 Successor-In-Interest to ABEX CORPORATION f/k/a AMERICAN BRAKE SHOE
25 COMPANY, f/k/a AMERICAN BRAKE SHOE AND FOUNDRY COMPANY including the

1 AMERICAN BRAKEBLOK DIVISION, Successor-By-Merger to the AMERICAN BRAKE
2 SHOE AND FOUNDRY COMPANY and THE AMERICAN BRAKEBLOK
3 CORPORATION, f/k/a THE AMERICAN BRAKE MATERIALS CORPORATION, only,
4 with prejudice. As the terms of settlement are not yet perfected, this Court will retain
5 jurisdiction over the matter for sixty (60) days.

6 DATED: August 14, 2024

Maune Raichle Hartley French & Mudd LLC

7 By: 
8

Rabiah N. Oral

Attorney for Plaintiffs

9 DATED: August 14, 2024

Demler, Armstrong & Rowland, LLP

10 By: /s/ Edward Tugade
11

John R. Brydon

12 Edward P. Tugade

13 Erin McGahey

Attorney for Pneumo Abex, LLC

14 **LOCAL RULE 5-1(i)(3) SERVICE AND FILING OF PLEADINGS AND OTHER**
15 **PAPERS**

16 In accordance with L.R5-1(i)(3), I, Rabiah N. Oral, attest that all signatories identified
17 above, and on whose behalf the filing is submitted, concur in the filing's content and have
18 authorized the filing.

19 DATED: August 14, 2024

By: 
20

Rabiah N. Oral, Esq.

21 Attorney for Plaintiffs
22
23
24
25
26

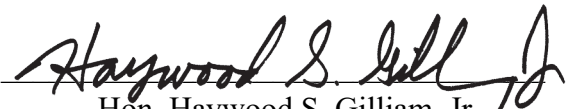
ORDER

Having read and considered the foregoing stipulation of parties, and good cause appearing:

PURSUANT TO STIPULATION, IT IS SO ORDERED that PNEUMO ABEX LLC, Individually and as Successor-By-Merger to PNEUMO ABEX CORPORATION, Successor-In-Interest to ABEX CORPORATION f/k/a AMERICAN BRAKE SHOE COMPANY, f/k/a AMERICAN BRAKE SHOE AND FOUNDRY COMPANY including the AMERICAN BRAKEBLOK DIVISION, Successor-By-Merger to the AMERICAN BRAKE SHOE AND FOUNDRY COMPANY and THE AMERICAN BRAKEBLOK CORPORATION, f/k/a THE AMERICAN BRAKE MATERIALS CORPORATION, only, is conditionally dismissed with prejudice from this Action in its entirety. Perfection of the terms of the settlement is to be completed within 60 days of this signed Order. The Court shall retain jurisdiction for 60 days from the date of this signed Order.

IT IS SO ORDERED.

DATED: 8/14/2024


Hon. Haywood S. Gilliam, Jr.
UNITED STATES DISTRICT COURT JUDGE